

**BUFFALO COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 6, 2009
9:00 A.M.**

The Buffalo County Board of Supervisors met on Wednesday, May 6, 2009 at 9:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responding to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present.

Chairman Pierce called for Citizen's forum and no one was present at this time to address the Board.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

Approve April 28, 2009 minutes

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Larry Dix, Executive Director of NACO sent correspondence inviting the Board members to a meeting with Blue Cross Blue Shield representatives to be informed about ways to save on the next fiscal year Health Insurance plan. The WEL-Life Calendar for the month of May 2009 was received. Chairman Pierce then called on each Board member for various committee reports and recommendations.

Deputy County Attorney Hoffmeister reported on the auction that was held on April 30, 2009 and reviewed the following Resolution 2009-32. Moved by Dannehl and seconded by Morrow to approve Resolution 2009-32. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2009-32

WHEREAS, on March 10 and 24, 2009 this Board conducted hearings and determined that the following property, hereinafter referred to as the "subject property" constituted surplus public property and the same should be sold to the highest bidder at public sale to be conducted April 30, 2009 at 10:00 o'clock, a.m., and

WHEREAS on April 30, 2009 at 10:00 o'clock, a.m., following the necessary legal publications, the subject property was sold at public auction conducted by Marshall Land Brokers and Auctioneers of Kearney, Inc. and sold to Shawn Engberg for the price of \$60,000, with at least two active bidders participating in the public sale, and

WHEREAS, this Board believes that the bid received is a bid for fair market value and it is in the best interests of Buffalo County to sell the subject property for \$60,000.000.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the sale of the subject property for the price of \$60,000 bid by Shawn Engberg is confirmed and the Chairperson of this Board and all other officials of Buffalo County shall execute whatever documents are necessary to close this sale.

BE IT FURTHER RESOLVED that the subject property located at 2012 and 2014 Avenue A, Kearney, Buffalo County, Nebraska, has the following legal description:

Lots 507, 508, and 509, Original Town of Kearney Junction, Now City of Kearney, Buffalo County, Nebraska.

Moved by Morrow and seconded by Greder to ratify the decision to have Chairman Pierce sign a letter of support to the National Endowment of the Humanities for the Buffalo County Historical Society. This letter supports the Buffalo County Historical Society endeavors for their expansion project of the Trails and Rails Museum and does not obligate the County

financially. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the discussion on the request for proposal of group health insurance for Buffalo County. Present for discussion were County Assessor Joe Woodward, County Attorney Shawn Eatherton, County Sheriff Neil Miller, Register of Deeds Kellie John, and Tim Shada and Tim Hughbanks insurance agents. After discussion, it was decided to place discussion and possible decision regarding group health insurance coverage issues and need of proposals for the same on the Agenda for May 12, 2009. The Personnel Committee will have draft copies of the Request for Proposal (RFP) to the Board and other Elected Officials prior to the May 12th meeting.

Wayne Homan, Animal Damage Control Specialist was present to answer any questions that the Board may have on the contract renewal with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services. This work and financial plan contract defines the objectives, plan of action, resources and budget for the Wildlife Damage Management program. Discussion was held about the proposed increase in the contract. Moved by Klein and seconded by McMullen to authorize the Chairman to sign the contract renewal with Wildlife Services for the fiscal year 2009-2010, changing the dollar amount back to last year's figure which is \$14,745.46. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Agenda item and Deputy County Attorney Hoffmeister reviewed the receipt of Riverdale Municipal Zoning Jurisdiction declaration. Moved by Greder and seconded by Dannehl to approve Resolution 2009-33 regarding that Zoning Jurisdiction. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2009-33

WHEREAS, on or about September 2, 2002, Buffalo County adopted Buffalo County Zoning Regulations that are still in effect and requested that all municipalities of Buffalo County declare their extraterritorial zoning jurisdiction, and

WHEREAS, all municipalities responded to the request, other than Riverdale, with all declaring that they exercised municipal zoning powers to the maximum jurisdiction allowed by Nebraska law, and

WHEREAS, on or about April 30, 2009, the Buffalo County Clerk received a declaration from the Village of Riverdale stating Riverdale exercised its zoning extraterritorial powers one-half mile from its municipal boundary.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT this Board recognizes Riverdale's declaration of extraterritorial zoning power jurisdiction and that the official zoning maps of Buffalo County reflect Riverdale's zoning jurisdiction to extend one-half mile from Riverdale's corporate limits.

Chairman Pierce then turned the request for Executive Session over to Vice Chairman Dannehl. Moved by McMullen and seconded by Klein to move into Executive Session at 10:00 A. M. to discuss contract lease negotiations. Present at the session were Karen Lueck and Ed Butler from Community Action Partnership. Chairman Pierce excused himself from the discussion because Pierce is also Chairman of the Community Action Partnership Board. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Morrow. Abstain: Pierce. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Greder to return to the open meeting at 10:46 A.M. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Morrow. Abstain: Pierce. None voted "Nay". Motion declared carried.

At 10:48 A.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until the meeting on Tuesday, May 12, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.